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9
10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 FEDERAL TRADE COMMISSION,
13 Plaintiff,

CASE NO.: 2:99-cv-0969-KJD-PAL

14 v.

15 EQUINOX INTERNATIONAL, CORP.,
16 et al.,

17 Defendants.

**STIPULATION AND [PROPOSED]
ORDER FOR TRANSFER CERTAIN
DOCUMENTS OF RECEIVERSHIP
ENTITIES TO BILL GOULDD AND FOR
CONFIDENTIALITY OF TRANSFERRED
RECORDS**

18 Robb Evans, Receiver of Defendants Equinox International Corporation,
19 Advanced Marketing Seminars, Inc. and BG Management and related entities (the
20 "Receivership Entities"), and Bill Gould (referred to as "Gould"), hereby stipulate and
21 agree as follows:

22 1. Robb Evans was appointed as the Receiver of the Receivership Entities
23 as set forth in the Order Preliminarily Approving Stipulated Final Judgment and Class
24 Action Settlement and Setting Fairness Hearing, entered April 20, 2000, ("Permanent
25 Receivership Order").

26 2. As a result of the Permanent Receivership Order, all of the documents
27 and records of the Receivership Entities came under the control and possession of the
28 Receiver.

3. On October 25, 2007, Gould purchased certain intellectual property assets of the Receivership Entities that were under the control of the Receiver, referred to in an Intellectual Property Assignment Agreement.

4. Although Gould purchased the intellectual property rights of the Receivership Entities, many of the pertinent documents remained in the possession and control of the Receiver, with Gould's permission.

5. In 2008, Gould instituted actions for infringement of copyrighted works, violation of confidentiality agreements, misappropriation of trade secrets and other claims related to the intellectual property assets purchased by Gould. (See Bill Gould v. Marc Accetta, et al., case no. 3:08-CV-0497-O (N.D. TX); Bill Gould v. Greg Amerman, et al., case no. 3-08CV2246-P (N.D. TX) and Bill Gould v. Sheri Sharman, et al., case no. 08-cv-2212 (N.D. TX), collectively referred to as the "Infringement Cases").

6. In the course of the litigation on the Infringement Cases, Gould had the opportunity to inspect the documents and records of the Receivership Entities contained in a warehouse located in Las Vegas, Nevada.

7. As a result of those inspections, Gould and Receiver segregated certain documents and records as pertinent to the Infringement Cases. Accordingly, those documents and records were placed in an off-site storage POD located at 4120 W. Windmill Lane, Suite 170, Las Vegas, Nevada, 89139.

8. On November 17, 2010, Receiver filed a Motion for Order Approving Receiver's Final Report and Accounting and Final Payment of Receivership Expenses and Related Relief, in which the Receiver seeks to terminate the receivership and destroy all documents of the Receivership Entities. (Doc. #606).

9. On December 12, 2010, Gould filed a Limited Response to Receiver's Motion and a cross-motion for Protective Order pertaining to his ownership interest in certain records of the Receivership Entities. (Doc. #608, 609)

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10. The Receiver and Gould now hereby stipulate and agree that the entire contents of the off-site storage POD containing segregated records shall be transferred to Bill Gould, pursuant to the terms of this Stipulation and Confidentiality Agreement.

11. Gould shall make arrangements for packing and removal of the entire contents of the off-site storage POD and such removal shall be completed no later than ten days following entry of an order approving this stipulation. The documents and records shall be transferred to a secure storage facility under Gould's control.

12. Gould shall be responsible for all costs incurred in the inspection, packing and transfer of the documents and records contained in the off-site storage POD.

13. Gould acknowledges that the documents and records that he will receive as a result of this stipulation contain personal information of third parties, including but not limited to, social security numbers, credit card numbers, bank account information, addresses and telephone numbers ("Confidential Information").

14. Except with the prior written consent of the third parties, or upon prior court order, Gould agrees that Confidential Information will not be disclosed to any person other than:

- (a) Gould's counsel;
- (b) employees of such counsel;
- (c) Gould's agents or employees, to the extent deemed necessary by Gould for purposes of inspecting, packing and transferring the documents which are the subject of this stipulation;
- (d) consultants or expert witnesses retained for the prosecution or defense of the Infringement Cases;
- (e) any authors of the Confidential Information; and
- (f) the Court, Court personnel, and court reporters.

15. Gould further stipulates and agrees that once he no longer has a need or use for the documents of the Receivership Entities, he will destroy the documents in such a manner that protects against unauthorized access to the documents or any

1 Confidential Information contained therein, such as burning or shredding, to ensure that
2 said information cannot practicably be read, copied, or reconstructed.
3

4 Date: 12/29/10

Date: _____

5
6 M. Val Miller, Deputy to the Receiver
7 Robb Evans, Receiver

Bill Gould

8 Approved as to form and content:

9 Date: 12/29/10

Date: _____

10 Gary Caris

11 Gary Caris, SBN 088918
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Robb Evans

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Reno, NV 89501
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15 ***

16 IT IS SO ORDERED this _____ day of _____
17

18 _____
19 DISTRICT COURT JUDGE
20
21
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Confidential Information contained therein, such as burning or shredding, to ensure that said information cannot practicably be read, copied, or reconstructed.

Date: _____

Date: 12-29-10

Robb Evans, Receiver



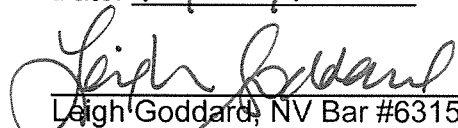
Bill Gould

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Reno, NV 89501
Attorneys for Bill Gould

IT IS SO ORDERED this _____ day of _____.

DISTRICT COURT JUDGE